

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CHRISTOPHER PESA,

Plaintiff,

-against-

**ORDER**  
CV 10-880 (ADS)(ARL)

NUHEALTH, formerly known as the Nassau  
Healthcare Corporation an organized public  
benefit corporation, et al.,

Defendants.

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**LINDSAY, Magistrate Judge:**

Before the court is the plaintiff's letter application dated April 18, 2011, seeking the court's assistance to compel the defendants to comply with discovery. By way of background, the plaintiff commenced this action on March 10, 2010, alleging that his civil rights were violated when he was involuntarily committed to the Nassau University Medical Center after he was involved in an incident at his high school. Shortly after the defendants filed their answer, the undersigned scheduled an initial conference in this matter. By letter dated July 15, 2010, the parties indicated that they consented to the dates set forth in the proposed scheduling order so the initial conference was canceled. The scheduling order entered in response to that letter established January 21, 2011 as a discovery cut-off date.

On January 14, 2011, one week before the discovery deadline, the parties sought a six month extension of the discovery deadline indicating that "substantial discovery from both sides remained outstanding." That request was denied, but the court did extend the deadlines for ninety days. Notwithstanding the ninety day extension, the plaintiff now reports, on the eve of the amended cut-off date, that the defendants have not responded to any of his requests. Absent from the letter is an explanation as to why the plaintiff waited so long to seek judicial intervention. Moreover, by letter dated April 21, 2011, the defendants contend that they have responded to the plaintiff's demands, but they have not been provided a single authorization in response to their July and September 2010 demands.

It is clear to the court neither party has complied with the court's orders and that the parties have not met and conferred as they are required to do. Accordingly, counsel are directed to meet in person in an attempt to resolve outstanding issues. Thereafter the parties are to submit a joint letter outlining any remaining issues requiring judicial intervention. Only a modest extension of the discovery deadlines will be granted.

Dated: Central Islip, New York  
April 26, 2011

**SO ORDERED:**  
\_\_\_\_\_/s/\_\_\_\_\_  
ARLENE R. LINDSAY  
United States Magistrate Judge